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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------------|---------------------|------------------|
| 10/519,596 | 12/28/2004 | Leif Arne Jorgen Andersson | P17070-US1 | 9507 |
| 27045 | 7590 | 06/15/2006 | EXAMINER | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024 | | | CRIBBS, MALCOLM D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2115 | |

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Office communication concerning this application

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/519,596 | Applicant(s) ANDERSSON ET AL. | |
| | Examiner Malcolm D. Cribbs | Art Unit 2115 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-21, are cancelled.

5 **Claims 22-42, are presented for examination.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 Claims 22-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura et al [US Patent No. 6,493,832] in view of Backlund et al [Publication No. US 2004/0011868] in further view of Partanen [Publication No. US 2003/0102933].

20 As per claim 22, Itakura et al teach the invention comprising:
a first node [Col 6 lines 7-16 "encoders not shown"] connected to a plurality of
end nodes by a broadband packet-switched network, wherein each node is connected
to at least one end terminal, [Fig 3] each of said end nodes including:
timing generation circuitry adapted to generate an output timing signal that
25 is phase locked to a received reference timing signal originating at said first node
[Col 7 lines 15-26]; and

means for receiving data structure information from said first node and identifying a data structure format from said information for transmitting time-sensitive data between said end nodes and said end terminals [Fig 5 detection section 502 Col 6 line 53 – Col 7 line 7].

5

Itakura et al do not teach a delay generator for generating a delay in response to delay data received. Specifically, Itakura et al teach constructing a second transmitting format based on data structure format detected, phase locked output and delay data received in the header from first node. However, Itakura et al fail to detail the method of
10 adjusting transmission based on received delay data. A routineer in the data transmission art would have been motivated to look for a teaching for a possible method of adjusting transmission based on received delay information.

Backlund et al teach another wireless communication system wherein a plurality
15 of end nodes [transceivers] simultaneously transmits data to a terminal node. Backlund et al adjusts transmission by adding a delay unit to each node where the delay unit delays transmission based on the delay pulses received [Page 2 [0025] – [0027]]. In summary, Backlund et al teach the method of delaying transmission based on received delay information.

20

It would have been obvious to one of ordinary skill in the art to combine the teachings of Itakura et al and Backlund et al because they both teach a data

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communication system to control the transmission of data through a network. Backlund et al covers the deficiency of Itakura et al by teaching the detail of a method to adjust transmission rates based on received delay information.

5 Itakura et al and Backlund et al do not teach a method of adjusting the timing of the payload data. Specifically, Itakura et al and Backlund et al teach a method of adjusting the timing of data to be transmitted based on delay. However, Itakura et al and Backlund et al fail to detail that the data being transmitted is payload data, although Itakura et al states the data being transmitted is payload data; Backlund et al states the
10 method of adjusting the data. A routineer in the art would have been motivated to look for a teaching for the possible method of the data being adjusted based on the delay is payload data.

 Partanen teaches another method of adjusting and transmitting data through
15 nodes in a communication system. Partanen teaches a method of adjusting the transmission timing of payload data based on delay [[0008]; [0051]]. In summary, Partanen teaches a method of adjusting the timing of data based on delay; wherein the data is payload data.

20 It would have been obvious to one of ordinary skill in the art to combine the teachings of Itakura et al and Backlund et al with Partanen, which are analogous art, because they teach a method of transmitting data via nodes through a network while

compensating for delay. Partanen covers the deficiency of Itakura et al and Backlund et al by indicating that the data being transmitted and adjusted is payload data.

As per claim 23, at least one intermediate node, arranged between the first node
5 and at least one of said end nodes, including timing generation circuitry [Itakura et al Fig. 5 receiver [0031]].

As per claim 24, means for extracting a data transmission start time marker
[Itakura et al Col 4 line 64 – Col 5 line 10].

10

As per claim 25, signal generator is arranged to adjust the timing of transmission
start time marking [Itakura et al Col 4 line 64 – Col 5 line 10].

As per claim 26, each end node is operative to determine a node transmission
15 delay, and the first node is operative to determine the maximum node transmission
delay from each end node and communicate this maximum node transmission delay to
all end nodes as delay information [Backlund et al Page 2 [0025] – [0027]].

As per claim 27, node transmission delay is the round trip delay between end
20 node and first node [Partanen [0051]].

As per claim 28, means for extracting a timing reference from a received signal, means for phase locking a generated timing signal to said timing reference, and means for imposing said phase locked timing signal on an output signal to generate said output timing signal [Itakura et al Col 4 line 64 – Col 5 line 10].

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As per claim 29, it is obvious to one of ordinary skill in the art wherein the network is of various types including an Ethernet [Col 1 lines 5-14].

As per claims 30-35, it is directed to the method of steps to implement the system as set forth in claims 22-29. Therefore, it is rejected for the same basis as set forth hereinabove.

As per claims 36-42, it is directed to the node to implement the system as set forth in claims 22-29. Therefore, it is rejected for the same basis as set forth hereinabove.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Malcolm D Cribbs
Examiner
Art Unit 2115

June 6, 2006



CHUN CAO
PRIMARY EXAMINER